

as Note 2; and by inserting the following as the new Note 1:

"1. For purposes of this guideline—'Immigration and naturalization offense' means any offense covered by Chapter Two, Part L."

The Commentary to § 2L2.2 captioned "Application Note" is amended by inserting the following as Note 3.

"3. Prior felony conviction(s) resulting in an adjustment under subsection (b)(2) are also counted for purposes of determining criminal history points pursuant to Chapter Four, Part A (Criminal History)."

Reason for Amendment: This amendment implements section 211 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which directs the Commission to amend the guidelines for offenses related to the fraudulent use of government-issued documents.

#### **Emergency Amendment—Involuntary Servitude**

3. Amendment: Section 2H4.1(a) is amended by deleting "(Apply the greater)" and inserting in lieu thereof "22"; and by deleting subdivisions (1) and (2) in their entirety.

Section 2H4.1 is amended by inserting the following additional subsection:

"(b) Specific Offense Characteristics  
(1)(A) If any victim sustained permanent or life-threatening bodily injury, increase by 4 levels; (B) if any victim sustained serious bodily injury, increase by 2 levels.

(2) If a dangerous weapon was used, increase by 2 levels.

(3) If any victim was held in a condition of peonage or involuntary servitude for (A) more than one year, increase by 3 levels; (B) between 180 days and one year, increase by 2 levels; or (C) more than 30 days but less than 180 days, increase by 1 level.

(4) If any other felony offense was committed during the commission of, or in connection with, the peonage or involuntary servitude offense, increase to the greater of:

(A) 2 plus the offense level as determined above, or

(B) 2 plus the offense level from the offense guideline applicable to that other offense, but in no event greater than level 43."

The Commentary to § 2H4.1 captioned "Statutory Provisions" is amended by inserting "241," immediately before "1581".

The Commentary to § 2H4.1 captioned "Application Note" is amended by deleting "Note" and inserting in lieu thereof "Notes"; by deleting Note 1 in its entirety and inserting in lieu thereof the following new note:

"1. For purposes of this guideline—'A dangerous weapon was used' means that a firearm was discharged, or that a firearm or dangerous weapon was otherwise used.

Definitions of 'firearm,' 'dangerous weapon,' 'otherwise used,' 'serious bodily injury,' and 'permanent or life-threatening bodily injury' are found in the Commentary to § 1B1.1 (Application Instructions)."; and by inserting the following additional notes:

"2. Under subsection (b)(4), 'any other felony offense' means any conduct that constitutes a felony offense under federal, state, or local law (other than an offense that is itself covered by this subpart). When there is more than one such other offense, the most serious such offense (or group of closely related offenses in the case of offenses that would be grouped together under § 3D1.2(d)) is to be used. See Application Note 3 of § 1B1.5 (Interpretation of References to other Offense Guidelines).

3. If the offense involved the holding of more than ten victims in a condition of peonage or involuntary servitude, an upward departure may be warranted."

The Commentary to § 2H4.1 captioned "Background" is deleted in its entirety.

Reason for Amendment: This amendment implements section 218 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which directs the Commission to review the guideline for peonage, involuntary servitude and slave trade offenses and amend the guideline.

**Note:** The Commission proposes to re-promulgate and submit to Congress by May 1, 1997, as permanent amendments the forgoing emergency amendments. When the Commission again considers these amendments for re-promulgation as permanent amendments, it may adopt an amended version of § 2L1.1(b)(1)(A) and § 2L2.1(b)(1). The amended version would provide for a three-level decrease if "an offense was committed other than for profit or the offense involved the smuggling, transporting, or harboring only of the defendant's spouse or child (or both the defendant's spouse and child)." Such a change could be expected to restrict somewhat the number of defendants who might otherwise qualify for the offense level reduction. On the other hand, this approach may provide a more realistic measure of whether the overall character of the smuggling offense was a not-for-profit venture.

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## **SMALL BUSINESS ADMINISTRATION**

### **Data Collection Available for Public Comments and Recommendations**

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

**DATES:** Comments should be submitted on or before May 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, D.C. 20416. Phone Number: 202-205-6629.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* "Request for Management and Technical Assistance".

*Type of Request:* Revision of a Currently Approved Collection.

*Form No.:* SBA Form 641B.

*Description of Respondents:* Individuals that use the Business Information Centers (BIC's).

*Annual Responses:* 60,000.

*Annual Burden:* 120,000.

*Comments:* Send all comments regarding this information collection to Eunice Ricks, Business Initiatives Specialist, Office Business Initiatives, Small Business Administration, 409 3rd Street, S.W., Suite 6100 Washington, D.C. 20416. Phone No.: 202-205-7422.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Dated: March 20, 1997.

**Jacqueline White,**

*Chief, Administrative Information Branch.*  
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## **DEPARTMENT OF STATE**

[Public Notice 2461]

### **Office of Defense Trade Controls; Statutory Debarment Under the International Traffic in Arms Regulations**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that Electrodyne Systems Corporation has